

**MANASOTA AND SANDPIPER KEY ADVISORY/ARC  
(aka ARC) COMMITTEE MEETING MINUTES  
May 6, 2015**

**CALL TO ORDER:** Chairperson, Andrea Barber called the meeting to order at 9:04 AM.

**ATTENDANCE:** Six ARC Committee members in attendance represented a quorum:

Andrea Barber	Chairperson
Joe Jenkins	Vice Chairperson
Craig Lindblad	Secretary
Jerry Tumanic	Committee Member
Jack Landis	Committee Member
Francis Dumond	Committee Member

One ARC Committee member absence was excused:  
B.J. Galberaith      Committee Member

Present from the County:

Buddy Braselton	DRC coordinator and Charlotte County liaison to the Advisory/ARC Committee
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**APPROVAL OF PREVIOUS MEETING MINUTES:**

Chairperson, Andrea Barber recommended the ARC Committee Meeting Minutes from the April 1, 2015 meeting be approved.

**Motion #1 -** Committee member, Joe Jenkins moved the April 15, 2015 ARC Committee Meeting Minutes be approved. Motion seconded by Committee Member, Francis Dumond

**Vote #1 -** Unanimous approval.

**ADVISORY/ARC APPLICATIONS FOR REVIEW:**

**Application #1**

**4086 North Beach Road-** requesting a recommendation from ARC to the Charlotte County Zoning Department to allow a variance to the Overlay Code that would reduce the 20 foot rear setback requirement to 10 feet making it possible to install an accessory structure (i.e. a swimming pool without cage) behind an existing principle structure (the house).

Project representative in attendance:      Steve Norris - owner

**Recommended action:** The ARC committee recommends approval of a variance reducing the rear yard setback from 20 feet to 10 feet.

**Motion #2 -** Committee member, Joe Jenkins, moved the ARC Committee approve the request for a recommended variance based on the unique shape of the property and location of the principle structure on the lot.

**Vote #2 -** Motion withdrawn by Committee member, Joe Jenkins. Seconded by Committee member, Jerry Tunameric. Unanimous approval.



- Motion #3 -** Committee member, Francis Dumond, moved the ARC Committee discuss amongst themselves the ramifications of recommending such a variance. Motion seconded by Committee member, Jack Landis.
- Vote #3 -** Unanimous approval

**Committee Discussion:** Concerns expressed about setting a precedent for other property owners making a similar request for Overlay Code variances due to the unique shape of their property and/or placement of the principle structure on the property. The property owner purchased the property in November 2014 and responded to Committee member, Jack Landis' question, "Did you know you were going to install a pool on the property before you bought it? And were you aware of the Overlay Code restrictions affecting rear yard setbacks during the due diligence period?" Property owner's response, "During the due diligence period, an experienced, licensed pool contractor provided drawings as part of his proposal to install a pool behind the house. I relied on the pool contractor's misinformation regarding the rear yard setback requirement and purchased the property with the intent of installing a pool." Buddy Brazelton, Charlotte County DRC Coordinator, noted that most lots on Manasota Key are small and irregularly shaped. He reviewed the seven criteria needed to support the approval of a variance. Committee Chairperson, Andrea Barber, observed applicant's request for a variance appeared to meet all criteria.

- Motion #4 -** Committee member, Joe Jenkins, moved the ARC Committee recommend approval of a variance reducing the rear yard setback from 20 feet to 10 feet due to the claimed "hardship of the land" imposed on the applicant subject to: (1) the applicant submitting, with the variance request to the County, a statement explaining his son's physical therapy necessity for the pool; as well as (2) a signed letter from neighboring property owners to the North and West of the applicant's property stating they do not have a problem with the installation of a swimming pool without a cage at the location requested by the applicant.
- Vote #4 -** Motion by Committee member, Joe Jenkins. Seconded by Committee member, Francis Dumond. Unanimous approval.

**NEW BUSINESS:** "Tweaks" to the Overlay Code. The Board of County Commissioners (a.k.a. BoCC) approved the "tweaks" to the Overlay Code.

**OLD BUSINESS:**

(A) Committee Chairperson, Andrea Barber asked Buddy Braselton for an update on the following previously "tabled" ARC applications:

- #1 – Gulf View restaurant permit. Buddy Braselton responded that no timeline had been established for the permit application review. The project is still under Building Department review. Chairperson, Andrea Barber requested Secretary Craig Lindblad send a letter to Shaun Horton, Charlotte County Code Enforcement Manager, to request a progress report on the status of this pending application.
- #2 – White Elephant permit. Buddy Braselton responded that the review of the issue of encroachment into the County right-of-way had not been completed by the County. When applicant returns to the ARC committee, an updated set of drawings and a detailed site survey must be presented to the Committee. Chairperson, Andrea Barber requested Secretary Craig Lindblad send a letter to Shaun Horton, Charlotte County Code Enforcement Manager, to request a progress report on the status of this pending application.
- #3 – Lightpole permit. Chairperson, Andrea Barber, will contact Commissioner Bill Truex regarding the requested installation of a lightpole in front of Englewood Beach Villas.




#### COMMITTEE MEMBER COMMENTS:

- #1 - Charlotte County Code Enforcement personnel will be notified by ARC Committee that the following property owners are in violation of the Manasota Overlay Code ordinance:
- A - Two dumpsters located along the roadside at Gulf Blvd. are exposed to view and must be removed or properly shielded from view.
  - B - One dumpster located at La Coquina North Beach Road located within an approved enclosure, is exposed to view because doors are left open.

#### CITIZEN'S COMMENTS:

- #1 - Speaking as President of the Englewood Beach Villas Condominium Association, Jerry Tumanic reported ARC permit application requesting approval to build a dock along the seawall adjacent to Englewood Beach Villas property is under review by the EPA. As a multi-family complex the condominium association must pay certain fees and apply for a 12 month "special use permit" to keep the existing docks (already installed). The new dock falls under the same review process. Committee member Francis Dumond recommended the Association representative speaking with Rob Berntsson at Big W Law to receive a "land use" opinion.
- #2 - Speaking as President of the Englewood Beach Villas Condominium Association, Jerry Tumanic asked if the ARC Committee had jurisdiction over the issuance of a permit to exchange exterior doors on an existing building in the community. Buddy Braselton recommended the matter be reviewed by the Building Department.

**ADJOURNMENT:** There being no further business before the ARC Committee, Chairperson, Andrea Barber adjourned the meeting at 10:15 AM. The next ARC meeting is scheduled for 9 AM Wednesday, May 20, 2015 at the Englewood Beach Villas Clubhouse on Beach Road.

Respectfully submitted,  
  
Craig Lindblad  
Secretary

  
Andrea Barber  
Chairperson